

UNITED STATES DISTRICT COURT
DISTRICT COURT OF SOUTH CAROLINA
FLORENCE DIVISION

THOMAS E. PEREZ, Secretary of Labor)	Civil Action Number: 4:13-cv-02245-RBH
United States Department of Labor,)	
)	
Plaintiff)	
)	
v.)	
)	
AMERICAN MARBLE PRODUCTS, INC;)	
DARYL H. SORENSEN;)	
MONICA SORENSEN; and)	
AMERICAN MARBLE PRODUCTS, INC.)	
SIMPLE IRA PLAN,)	
)	
Defendants.)	

ORDER

The Secretary filed this action against Defendants Daryl H. Sorensen and American Marble Products, Inc. (hereinafter “Defendants”) pursuant to §§ 502(a)(2) and 502(a)(5), 29 U.S.C. §§ 1132(a)(2) and 1132(a)(5), of the Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C. § 1001 et seq., hereinafter referred to as “ERISA.” The Secretary sought to enjoin acts and practices by Defendants which violated the provisions of Title I of ERISA with respect to the American Marble Products Inc. SIMPLE IRA Plan (hereinafter the “Plan”). Defendants were served in accordance with the Federal Rules of Civil Procedure. The Plaintiff moved for default judgment.

WHEREFORE, it is hereby ordered, adjudged, and decreed that,

A. Plaintiff’s motion for default judgment is **GRANTED**;

B. Defendants Daryl H. Sorensen and American Products Inc. are hereby enjoined from violating the provisions of Title I of ERISA;

C. Defendants Daryl H. Sorensen and American Products Inc. are hereby permanently enjoined from acting as a fiduciary, trustee, agent, or representative in any capacity to any employee benefit plan, as defined by ERISA.

D. Counsel for the plaintiff has advised chambers that Defendants Monica Sorensen and American Marble Products, Inc. Simple IRA Plan may be dismissed without prejudice. Therefore, the court dismisses Defendants Monica Sorensen and American Marble Products, Inc. Simple IRA Plan without prejudice.

The Court, finding that there is no just reason to delay the entry of this Judgment, expressly directs the entry thereof as a final order, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure.

SO ORDERED this 22nd day of September, 2014.

s/R. Bryan Harwell
R. BRYAN HARWELL
United States District Court Judge